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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,496	08/03/2001	Mark Carnall	3265-011266	7333

7590

08/01/2002

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 08/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,496

Applicant(s)

CARNALL, MARK

Examiner

James R. Brittain

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,12-14,16,18 and 21-28 is/are rejected.
- 7) ☒ Claim(s) 3,7,9-11,15,17,19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, and 21-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ludger (FR 2766884).

Ludger (figures 1-3) teaches karabiner structure comprising a generally C-shaped body 1 having free ends 2, 3 curved toward each other and forming a gap therebetween, and a gate 5 for closing the gap, the gate being formed of a wire member shaped and located on one free end 2 of the body, such that the gate 5 is constrained to close the gap and an other free end of the body having a slot 13 for receiving a shaped end 7 of the gate. As to claim 5, the end 7 of the gate is bent over sideways so as to form the portion received in the slot 13. In regard to claim 6, there is no comparative structure in the claim to indicate what the loop 7 is enlarged relative to. The loop is considered enlarged relative to the diameter of the wire. As to claims 21 and 22, the slot 13 is formed in a side of the free end 3 that faces inward toward the body of the karabiner.

Claims 25-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schmidt et al. (US 4528728).

Schmidt et al. (figures 7, 8) teaches karabiner structure comprising a generally, C-shaped body 112 having free ends curved toward each other and forming a gap therebetween and a spring-biased gate 114 for closing the gap located on one free end of the body and means for locking the gate 308 in a closed position. The locking member 308 is a slidable finger that extends over a side of the body of the karabiner opposite to that of the direction of opening of the gate.

Claim Rejections - 35 USC § 103

Claims 8, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludger (FR 2766884) in view of Bonaiti (EP 318742).

Ludger (figures 1-3) teaches karabiner structure comprising a generally C-shaped body 1 having free ends 2, 3 curved toward each other and forming a gap therebetween, and a gate 5 for closing the gap, the gate being formed of a wire member shaped and located on one free end 2 of the body, such that the gate 5 is constrained to close the gap and an other free end of the body having a slot 13 for receiving a shaped end 7 of the gate. The difference is that the gate doesn't carry a additional locking means for when the gate is closed. However, Bonaiti (figures 1-4 and 6) teaches karabiner structure comprising a generally C-shaped body 10 having free ends curved toward each other and forming a gap therebetween, and a gate 12 for closing the gap, the gate being spring-biased to close the gap and having a pin received in the slot in the free end 13 of the body and a screw threaded thimble 19 that can be rotated over the screw threaded section 12a that is considered to be an integral sleeve so as to act as an added locking feature. It would have been obvious to modify the karabiner of Ludger

so as to have an additional locking means for when the gate is closed in view of Bonaiti (figures 1-4 and 6) teaching karabiner structure comprising a generally C-shaped body 10 having free ends curved toward each other and forming a gap therebetween, and a gate 12 for closing the gap, the gate being spring-biased to close the gap and having a pin received in the slot in the free end 13 of the body and a screw threaded thimble 19 that can be rotated over the screw threaded section 12a that is considered to be an integral sleeve so as to act as an added locking feature, a beneficial result for increased security. As to claims 8 and 16, the thimble 19 of Bonaiti is considered to be a shaped nut slid on the gate. The term "nut" conventionally means a threaded fastener. Further, the thimble 14 in figure 6 of Bonaiti is slid on the gate without rotation and provides a desirable added securement feature.

Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludger (FR 2766884) in view of Herzog (DE 19732204).

Ludger (figures 1-3) teaches karabiner structure comprising a generally C-shaped body 1 having free ends 2, 3 curved toward each other and forming a gap therebetween, and a gate 5 for closing the gap, the gate being formed of a wire member shaped and located on one free end 2 of the body, such that the gate 5 is constrained to close the gap and an other free end of the body having a slot 13 for receiving a shaped end 7 of the gate. The difference is that the gate doesn't carry a additional locking means for when the gate is closed. However, Herzog (figures 1-4) teaches karabiner structure comprising a generally C-shaped body 3 having free ends curved toward each other and forming a gap therebetween, and a gate 6 for closing the gap, the gate having

a pin 15 received in the slot 9 in the free end 2 of the body. There is an added locking pin 11 that is insertable through the other free end 2 of the body of the karabiner and into the end of the gate 6 to prevent it being pushed open, a beneficial result. It would have been obvious to modify the karabiner of Ludger so that the gate carries an additional locking means for when the gate is closed in view of Herzog (figures 1-4) teaching karabiner structure comprising a generally C-shaped body 3 having free ends curved toward each other and forming a gap therebetween, and a gate 6 for closing the gap, the gate having a pin 15 received in the slot 9 in the free end 2 of the body, and there is an added locking pin 11 that is insertable through the other free end 2 of the body of the karabiner and into the end of the gate 6 to prevent it being pushed open, a beneficial result.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludger (FR 2766884) in view of Jenkins (US 229137).

Ludger (figures 1-3) teaches karabiner structure comprising a generally C-shaped body 1 having free ends 2, 3 curved toward each other and forming a gap therebetween, and a gate 5 for closing the gap, the gate being formed of a wire member shaped and located on one free end 2 of the body, such that the gate 5 is constrained to close the gap and an other free end of the body having a slot 13 for receiving a shaped end 7 of the gate. The difference is that the karabiner lacks a wire cage to receive the gate. However, the use of a wire cage to receive a spring-biased wire gate is well known in the art for providing adequate securement for a snap hook and Jenkins (figures 1, 2) suggests the use of wire cage, b, to secure the wire gate, B, as providing

adequate securement for a snap hook. It would have been obvious to modify the karabiner of Ludger so that it has a wire cage to receive the gate in view of Jenkins suggesting the use of wire cage, b, to secure the wire gate, B, as providing adequate securement for a snap hook.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Byers (US 3827746) in view of Schmidt et al. (US 4528728).

Byers (figures 1, 2) teaches snap hook structure including a C-shaped body having a spring-biased gate 10 via spring 60 and having a means for locking the gate in a closed position via spring-biased tabs 24 that are biased by springs 28. The pins 22 that can be inserted through a hole in the free end of the hook body and into a round slot of the gate when closed. The difference is that the snap hook isn't a karabiner. It would have been obvious to modify the teachings of Byers so as to be used for a karabiner in view of Schmidt et al. (figures 1, 7) teaching that it is well known to consider the application of locking devices for snap hook with those of C-shaped hooks together.

Allowable Subject Matter

Claims 3, 7, 9-11, 15, 17, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

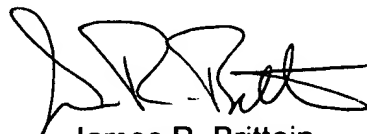
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Brainerd et al. (US 5878834), Maruelli (EP

1070862), Westwood III (US 5913479), and Mihailovic (US 5937490) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB
July 29, 2002